

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, MAY 1, 2013**

PRESENT: Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce Hedetniemi, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Ellen J. Hurley, Braddock District
Jay P. Donahue, Dranesville District

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The meeting was called to order at 8:18 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Sargeant MOVED THAT THE PLANNING COMMISSION'S PERSONNEL AND BUDGET COMMITTEE MEMBERS CERTIFY THAT, TO THE BEST OF THEIR KNOWLEDGE, ONLY THE PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM THE OPEN MEETING REQUIREMENTS PRESCRIBED BY THE VIRGINIA FREEDOM OF INFORMATION ACT AND ONLY THE MATTERS IDENTIFIED IN THE MOTION TO CONVENE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED DURING THAT SESSION.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0. Commissioners Donahue and Hurley were absent from the meeting.

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Commissioner Hart announced that the Commission's Environment Committee would meet on Thursday, May 2, 2013, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center to receive a presentation on electric vehicle supply equipment. He added that everyone was welcome to attend.

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FSA-M00-106-5 – SPRINT, 5881 Leesburg Pike

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEM.

Without objection, the motion carried by a vote of 10-0. Commissioners Donahue and Hurley were absent from the meeting.

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2232-Y13-1 – MILESTONE COMMUNICATIONS, INC./VERIZON WIRELESS (Decision Only) (The public hearing on this item was held on April 25, 2013. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR 2232-Y13-1, MILESTONE COMMUNICATIONS, INC. AND VERIZON WIRELESS, TO A DATE CERTAIN OF MAY 9, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hart seconded the motion which carried by a vote of 10-0. Commissioners Donahue and Hurley were absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. RZ/FDP 2011-PR-017 – COMMONS OF MCLEAN L/CAL LLC

This order was accepted without objection.

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RZ 2011-PR-017 – COMMONS OF MCLEAN L/CAL, LLC – Appl. to rezone from R-20, C-6, and HC to PTC and HC to permit mixed-use development with an overall Floor Area Ratio (FAR) of 2.87 and a waiver #003797-WPFM-003-1 to permit the location of under-ground storm water management facilities in a residential area. Located S. of Rt. 123, on both sides of Anderson Road on approx. 20.96 ac. of land. Comp. Plan Rec: Mixed Use and Park/Open Space. Tax Map 30-3 ((28)) B4, 5, 6, and 8. (Concurrent with FDP 2011-PR-017.) PROVIDENCE DISTRICT.

FDP 2011-PR-017- COMMONS OF MCLEAN L/CAL, LLC – Appl. to approve the final development plan for RZ 2011-PR-017 to permit residential development. Located at 1600 Anderson Road, on approx. 2.02 ac. of land zoned PTC and HC. Tax Map

30-3 ((28)) 5. (Concurrent with RZ 2011-PR-017.) PROVIDENCE DISTRICT.

RZ/FDP 2011-PR-017 (ADDENDUM) – COMMONS OF MCLEAN L/CAL, LLC – Appl. to rezone from R-20, C-6, and HC to PTC and HC to permit mixed-use development with an overall Floor Area Ratio (FAR) of 2.87 and a waiver #003797-WPFM-003-1 to permit the location of underground storm water management facilities in a residential area. Located S. of Rt. 123, on both sides of Anderson Road on approx. 20.96 ac. of land. Comp. Plan Rec: Mixed Use and Park/Open Space. Tax Map 30-3 ((28)) B4, 5, 6, and 8. (Concurrent with FDP 2011-PR-017.) PROVIDENCE. JOINT PUBLIC HEARING.

G. Evan Pritchard, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated March 11, 2013. There were no disclosures by the Commissioners.

Commissioner Lawrence announced that he would defer the decision only on these applications at the end of the public hearing.

Bob Katai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Commissioner Lawrence asked Mr. Katai to explain how staff arrived at the distribution percentages for the Workforce Development Units (WDU's). Mr. Katai explained that the WDU's were distributed based on rental rates provided by the applicant, adding that tenant income levels were not available.

Commissioner Lawrence commended the applicant for achieving the Tysons goal of 20 percent affordable housing, and asked for reassurance that in the event that all of the WDU's ended up in one building, the structure would not look any different from any of the other buildings on the site.

Catherine Lewis, Branch Chief, ZED, DPZ, explained that the applicant intended to utilize existing properties in the development wherein the WDU's might go, and said that those buildings would indeed be different than the proposed development.

Commissioner de la Fe requested to review the income ranges for the workforce unit distribution.

Commissioner Hart noted that corrections needed to be made to the following proffers in the Staff Report Addendum:

- Page 9, Proffer Number 13B, on the third line, the word should be "identity" not be "identify"; and

- Page 9, Proffer Number 13C, after “HABS” a word might be missing.

Referencing Page 12, Proffer Number 17A, Electric Vehicle Charging Infrastructure and Parking Spaces, Commissioner Hart said that the phrase at the end, “in each parking garage” was unclear as to whether it referred to conduits or charging stations, adding that the paragraph was susceptible to multiple interpretations and should be clarified. In addition, he pointed out that the proffer should allow for flexibility to deal with technological advances.

Commissioner Hart referenced page 19, Proffer Number 21G, Tysons Corner Urban Design Guidelines, and expressed concern about the phrase, “at its sole discretion,” and said that the work should be reviewed by County staff to be sure of its compliance with what was approved and in conformance with the Plan.

Commissioner Hart also expressed concern with the language in Proffer Number 24A, Public Streets, regarding the acceptance of the street for public use within seven years. He noted that having a start time at an applicant’s request seemed unclear and might not be appropriate for a public street, also noting that the construction of a public street should not be left to the applicant’s sole discretion. Ms. Lewis pointed out that staff had the same concerns and added that the proffer was missing language regarding addressing such deficiencies.

Commissioner Hart referenced Proffer Number 59, Condemnation, and asked what might need to be condemned. Ms. Lewis said that a small section of Dartford Drive currently owned by the Mitre Corporation would connect Mitre Plaza to Colshire Drive. When Commissioner Hart asked if there would be public access to the site without the connection, Ms. Lewis said yes.

Mr. Pritchard pointed out that the applicant, LCOR Residential II LLC [“LCOR”] would help to create a new vision for Tysons by providing greater housing opportunities to correct the current imbalance between jobs and housing, as well as urban parks and athletic fields to accommodate the new residents. He briefly described LCOR and explained that the company currently owned the Commons of McLean Apartments [“the Commons”]. He detailed the proposal, noting that the subject property comprised 21 acres, ideally situated close enough to the McLean Metro Station to maximize ridership, but set far enough to create an urban neighborhood rich with parks and other amenities. Mr. Pritchard stated that the Commons would ultimately have a total of seven high rise residential buildings framed by a new grid of streets, public plazas and parks, and a full rectangular athletic field, noting that the applicant reserved the right to convert up to 50,000 square feet of residential use to community-serving retail. He detailed the buildings and streets, and further amenities which included Anderson Park and the athletic field, a.k.a. Goodman Field. Mr. Pritchard thanked the McLean Citizens Association for their resolution in support of the application. In addition, he thanked the Pimmit Hill and Hunting Ridge Civic Associations, who hosted the applicant for presentations. He further thanked Commissioner Lawrence and Supervisor Smyth and asked for approval of the application.

Commissioner Lawrence asked how long it would take to complete the redevelopment. Mr. Pritchard estimated that it would be approximately 25 years.

Commissioner Lawrence referenced Drawing L-06 of the Conceptual Development Plan (CDP) in the staff report and suggested that during the deferral period the applicant consider locating commercial and retail space along both sides of the main street in the buildings that approach Building 6 as a way to enliven the area. In addition, he noted that nothing had been planned for night-time entertainment and suggested that the applicant begin looking at the viability of retail each time an FDP came up, with the review to become more intense as the construction moved along. He added that he would like to work with the applicant to develop proffer language during the deferral.

Mr. Pritchard agreed and said that LCOR would support a periodic retail and commercial needs assessment.

Commissioner Lawrence asked Mr. Pritchard to describe the intersection at Anderson Road and Colshire Drive and the pedestrian crossing. Mr. Pritchard explained that the intersection would be lighted; however, discussion continued with the Virginia and Fairfax County Departments of Transportation (DOT) and regarding the details on traffic calming measures for pedestrian crossing. Commissioner Lawrence suggested adding language to denote that the applicant would review the traffic light warrant conditions when Goodman Field became operational.

Commissioner Lawrence suggested that the applicant review energy share on a cumulative basis rather than linearly; that is, as the development continues to grow, review the viability of energy share in the new buildings as well as retrofitting the existing buildings if necessary. He noted that parking should also be reviewed cumulatively as the development expanded, particularly given its proximity to the Metro and retail. He stated that the applicant should provide a large number of conduits for the installment of additional fiber, in anticipation of more and more appliances and devices becoming interconnected.

Referencing Proffer Number 7B, Universal Design, Commissioner Flanagan asked if the units with these features would be in conformance with the Americans with Disabilities Act (ADA). Mr. Pritchard confirmed that they would. As discussion ensued, Commissioner Flanagan asked about the location of the WDU's. Mr. Pritchard explained that the first 66 units would be located in Building 1, with the rest being provided proportionally throughout the site as the rest of the development was constructed.

Chairman Murphy called the one listed speaker and recited the rules for public testimony.

Mark Zetts, representing McLean Citizens Association (MCA), 6640 Kirby Court, Falls Church, spoke in support of the application, but expressed concern about the delivery date for the public park, noting that it should be immediately available to citizens. He stated that the MCA had requested that the park be completed by 2025. He also noted concern about the discretionary retail and suggested that the applicant commit to a minimum of 50,000 square feet of retail.

Mary Hanes Holbeck, 1608 Colonial Lane, McLean, stated that she shared a property line with the applicant and had never been contacted at any point regarding this development.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Pritchard, who apologized to Ms. Holbeck for the failing to contact her. He thanked Mr. Zetts for his remarks and said that his concerns, along with the others raised by the Commissioners, would be addressed during the deferral period.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case. (A verbatim excerpt of the decision is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY ON RZ/FDP 2011-PR-017, AND THE CONCEPTUAL DEVELOPMENT PLAN, TO A DATE CERTAIN OF MAY 9, 2013, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0. Commissioners Donahue and Hurley were absent from the meeting.


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The meeting was adjourned at 9:37 p.m.
Peter F. Murphy, Jr., Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: June 11, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission